IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FOURTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 7326 of 1995

Between:

1 Gaddam Jayalakshmamma D/o. Subbarami Reddy
residing at Kumkumpudi village, H/o. Chemudugunta,

Venkatachalam Mandal, Nellore District.
2 Konduru Venkata Ramesh Reddy s/o. Ramana Reddy
residing at Kumkumpudi village, H/o. Chemudugunta,

Venkatachalam Mandal, Nellore District.

..... PETITIONERS

AND

1 The Revenue Divisional Officer, Nellore, Nellore District.
Nellore, Nellore District.
2 The Mandal Revenue Officer, Venkatachalam Mandal,
Nellore District.
3 Rebala Varada Reddy s/o. Latcha Reddy
resident of Kumkumpudi village, h/o. Chemudugunta,

Venkatachalam Mandal, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the order of the Revenue Divisional Officer, Nellore, the 1st respondent herein, made in Rc.D.31/73/94, dated -2-95 as illegal, arbitrary and violative of principles of natural justice and direct the respondents 1 and 2 not to enforce the same.

Counsel for the Petitioners: MR.S.V.MUNI REDDY

Counsel for the Respondent Nos.1 & 2: GP FOR REVENUE
Counsel for the Respondent No.3: V.S.R.MURTHY

The Court made the following:

ORDER:

This writ petition is filed questioning the order dated 07.02.1995 passed by the first respondent-Revenue Divisional Officer, Nellore, in proceedings Rc.D.31/73/94.

It is the case of the petitioners that the said order came to be passed on an appeal filed by the third respondent to incorporate his name in the adangals as a cultivating tenant of item Nos.1 to 3 of the petition-scheduled lands for the last 30 years. One of the main contentions raised in this writ petition is that the impugned order was passed without due notice to the petitioners. Even from the contents of the counter-affidavit filed on behalf of the respondents, it is clear that notices were not served on the petitioners prior to passing of the impugned order. In that view of the matter, this writ petition is liable to be allowed on the sole ground that the impugned order was passed without issuance of any notice to the petitioners, which is in violation of principles of natural justice.

Accordingly, the order dated 07.02.1995 in proceedings Rc.D.31/73/94 passed by the first respondent-Revenue Divisional Officer, Nellore, is set-aside. However, it is open for the first respondent to issue notices to the petitioners and pass appropriate orders afresh in accordance with law. It is equally open for the

petitioners to raise all the objections before such Officer, if any notice is issued to them in this regard.

The writ petition is allowed to the extent indicated above. No order as to costs.

_____ R.SUBHASH REDDY, J

24.01.2005

DR

That Rule nisi has been made absolute.

Witness the Hon’ble Sri Devinder Gupta, the Chief Justice, on this the twentieth day of January, Two thousand and five.

To

1 The Revenue Divisional Officer, Nellore, Nellore District.
Nellore, Nellore District.
2 The Mandal Revenue Officer, Venkatachalam Mandal,
Nellore District.
3 2CCs to Government Pleader for Revenue, High Court Buildings,

Hyderabad. (OUT

4 2CD copies